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## **LABOR ALERT**

### **Subject: Enforcement Policy re: Bonus Payments**

This issue is to clarify the Bureau's enforcement policy regarding payment of bonuses when offered by an employer to migrant workers.

In Wisconsin, a large number of migrant employers provide a bonus as an incentive to encourage migrants to stay and work until the end of the season. However, stating "until the end of the harvest" as a condition to receive the bonus is too broad and defeats the purpose the approximate ending date on the required work agreement. The intent of the approximate ending date is to give the migrants a reasonable idea of how long they will be employed so they can plan accordingly.

Since the approximate ending date is not necessarily the controlling factor for the payment of bonuses, the migrants can be required to work an additional 7 days beyond the approximate ending date on the work agreement and once that requirement is met, the workers are entitled to receive all bonuses due. This may or may not coincide with "the end of harvest," but since the migrants have made a good faith effort to work 7 days beyond the original approximate ending date, the Bureau of Migrant Services will view this as a satisfactory completion of the worker's obligation, and therefore are entitled to full payment of their bonus.

Simply stated, a bonus cannot be withheld solely because all crops have not yet been harvested.

Should you have any questions, please call Mateo Cadena at (608) 266-0002.